

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GREGORY LEE,

Plaintiff,

v.

Case No. 2:16-cv-13914  
Hon. George Caram Steeh

CORRECTIONS OFFICER KING,  
et al.,

Defendants.

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**ORDER DISMISSING ACTION UNDER  
FEDERAL RULE OF CIVIL PROCEDURE 41(A)(1)**

This is a pro se civil rights action filed under 42 U.S.C. § 1983. The complaint was filed without payment of the filing fee or an application to proceed in forma pauperis. The Court ordered Plaintiff to correct the filing deficiency. Plaintiff filed a letter response indicating that he did not file the complaint, and he does not know who did.

Federal Rule of Civil Procedure 41(a)(1) provides that “the plaintiff may dismiss an action without a court order by filing; (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.” FED. R. CIV. P. 41(a)(1)(A)(i), (ii). Because Plaintiff

indicates that he never initiated this case, the Court will grant Plaintiff's request to dismiss the action.

Accordingly, the Court orders that the complaint is voluntarily dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

**IT IS SO ORDERED.**

Dated: January 25, 2017

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 25, 2017, by electronic and/or ordinary mail and also on Gregory Lee #791018, Bellamy Creek Correctional Facility, 1727 West Bluewater Highway, Ionia, MI 48846.

s/Barbara Radke  
Deputy Clerk